REMARKS

In the Office Action mailed May 19, 2003, Claims 1-18 are held subject to a restriction requirement, the Examiner contending that the claims are directed to more than one invention as follows:

- Group I – Claims 1-14 and 18, which the Examiner contends are directed to a catalyst composition; and
- Group II - Claims 15-17, which the Examiner contends are directed to an oxidation process.

Applicants herein affirm the election made by the undersigned in a telephone conversation with the Examiner on or about May 13, 2003. However, applicants wish to make the election without traverse to prosecute the claims of Group I (Claims 1-14 and 18), and therefore withdraw Claims 15-17. Applicants reserve the right to file divisional application(s) to the non-elected subject matter.

In that same Office Action, Claims 1-4, 6-14 and 18 are rejected under 35 U.S.C. §102(b), as being anticipated by U.S. Pat. No. 6,099,964 issued to Baumann et al. The Examiner objects to Claim 5 as being dependent upon a rejected base claim. The Examiner further indicates that Claim 5 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Rejections under 35 U.S.C. §102(b)

Claims 1-4, 6-14 and 18 are rejected under 35 U.S.C. §102(b), as being anticipated by U.S. Pat. No. 6,099,964 issued to Baumann et al. Claims 1-6, 13 and 18 have been cancelled, thus obviating any grounds for rejection based upon those claims. Applicants respectfully disagree with the Examiner.

Applicants respectfully remind the Examiner that as stated in MPEP §2131, to anticipate a claim, a reference must teach every element of that claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226,1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully contend that the Examiner has

failed to point to where Baumann et al. does so. In particular, the Examiner has failed to point to where Baumann et al. teach or suggest the inclusion of the instantly claimed titanium dioxide, molybdenum oxide or promoter in their catalyst.

Therefore, applicants respectfully request the Examiner reconsider and reverse her rejection of Claims 7-12 and 14 under 35 U.S.C. §102(b), as being anticipated by U.S. Pat. No. 6,099,964 issued to Baumann et al.

Claim Objection

Claim 5 is objected to as being dependent upon a rejected base claim. The Examiner indicates that Claim 5 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

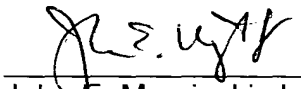
Applicants have rewritten Claim 5 as requested by the Examiner as new Claim 19. Applicants have also added Claims 20-23, dependent upon Claim 19, and believe that those Claims are patentable for the same reasons as is Claim 19.

CONCLUSION

Applicants have cancelled Claims 1-6, 13 and 18 and have amended Claims 7-12. Applicants have represented cancelled Claim 5 as new Claim 19 and have added Claims 20-25. Applicants contend that such claim amendments add no new matter and find support in the specification.

Applicants submit that the instant application is in condition for allowance. Accordingly, reconsideration and a Notice of Allowance are respectfully requested for Claims 7-12, 14 and 19-25. If the Examiner is of the opinion that the instant application is in condition for other than allowance, she is requested to contact the applicants' Attorney at the telephone number listed below, so that additional changes to the claims may be discussed.

Respectfully submitted,

By 

John E. Mrozinski, Jr.
Attorney for Applicants
Reg. No. 46,179

Bayer Polymers LLC
100 Bayer Road
Pittsburgh, Pennsylvania 15205-9741
(412) 777-3024
FACSIMILE PHONE NUMBER:
(412) 777-3902
lo/MROZINSKI/jem059